IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 376 of 2003

IN

SUMMARY SUIT NO. 4415 of 2000

Jayesh Shah .. Plaintiff

versus

Brighter Hosiery Products Pvt.Ltd. .. Defendant

...

Mr.Udaipuri i/b R.S. Mishra for the plaintiff.

Mr.Tushar Bhavsar for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 12th January 2005.

P.C.:

1. After having heard the learned counsel for the parties, it is clear that the suit cannot be tried as a Summary suit. The suit is not based either on a Negotiable Instrument nor it is based on a written contract. In the circumstances, the defendant would have to be granted an unconditional leave to defend

the suit.

2. Accordingly, the defendant is granted unconditional leave to defend a suit. The defendant to file written statement within a period of four weeks.

3. Suit shall stand transferred to the list of commercial causes.

D.G. KARNIK, J